

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
MIDWESTERN TELECOMMUNICATIONS )  
INCORPORATED d/b/a M.T.I. )  
 ) No. 10-0524  
Application for Designation as )  
an Eligible Telecommunications )  
Carrier for purpose of )  
receiving Federal Universal )  
Service Support pursuant to )  
Section 214(e)(2) of the )  
Telecommunications Act of 1996.)

Chicago, Illinois

October 5, 2010

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MR. JERRY HOLT  
65 East 16th Street  
Chicago Heights, Illinois 60411  
appeared pro se;

MR. JEFFREY HOAGG  
527 East Capitol Avenue  
Springfield, Illinois 62701  
appeared for Staff, telephonically.

SULLIVAN REPORTING COMPANY, by  
Teresann B. Giorgi, CSR

1                                    I N D E X

2                                    Dir.    Crx.    Re-       Re-       By

3    Witnesses:                    dir.    crx.    dir.    crx.    Examiner

4    NONE

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8                                    E X H I B I T S

9                                    APPLICANT'S                    FOR IDENTIFICATION                    IN EVIDENCE

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1 JUDGE RILEY: Pursuant to the direction of  
2 the Illinois Commerce Commission, I call  
3 Docket 10-0524. This is an Application by  
4 Midwestern Telecommunications, Incorporated d/b/a  
5 M.T.I., for designation as an eligible  
6 telecommunications carrier for purposes of receiving  
7 Federal Universal Service Support, pursuant to  
8 Section 214(e)(2) of the Telecommunications Act of  
9 1996.

10 And beginning with Mr. Holt, you're  
11 appearing pro se, is that correct?

12 MR. HOLT: That is correct.

13 JUDGE RILEY: Would you state your name and your  
14 office address, please.

15 MR. HOLT: Jerry Holt, H-o-l-t, address is  
16 65 East 16th Street in Chicago Heights, Illinois  
17 60411.

18 JUDGE RILEY: Thank you.

19 And, Mr. Hoagg, would you enter an  
20 appearance for Commission Staff.

21 MR. HOAGG: Yes.

22 For Staff, Jeffrey Hoagg, H-o-a-g-g,

1 Principal Policy Analyst, Telecommunications  
2 Division, Illinois Commerce Commission, 527 East  
3 Capitol Avenue, Springfield, Illinois.

4 JUDGE RILEY: Thank you.

5 And this is a pre-hearing conference.  
6 This is the first time up for this matter.

7 Mr. Hoagg, I'm going to begin with  
8 you. Have you had a chance to review the  
9 Application in this matter?

10 MR. HOAGG: Yes, I have. And, in particular, of  
11 course, the issue for Midwestern, because they are a  
12 reseller of other network facilities was a key  
13 issue -- or was a key issue prior to Midwestern  
14 actually filing this. And they got an applicable  
15 forbearance from the FCC that -- you know,  
16 applicable to this issue of a reseller being  
17 eligible for ETC status.

18 So just stating this generally, while  
19 I'm not ready to, you know, say today that, you  
20 know, Staff is okay with the Application, if you  
21 could give -- from my perspective, if you could give  
22 the parties maybe just one week or perhaps two weeks

1 for a little bit of informal discussion between the  
2 parties for clarification, we might be able to  
3 dispose of the issue then after that pretty quickly.

4 JUDGE RILEY: Mr. Holt, what's your response to  
5 that?

6 MR. HOLT: Well, it's twofold. Number one, I  
7 have no problem meeting again in a week. And we can  
8 get together offline during that time. So one week  
9 from today would be great.

10 It may be a different person making an  
11 appearance, Mr. Chinwah, whom, Mr. Hoagg, I'm sure  
12 you've talked to and, Judge Riley, you've seen  
13 before.

14 However, as to the forbearance, we  
15 actually have a forbearance in place for states in  
16 which we do non-facilities-based activities. So in  
17 Illinois our service will be facilities-based. And  
18 I don't know that it makes a difference in terms of  
19 your issuance of a certification. But our plan in  
20 Illinois is not to take advantage of the  
21 forbearance, if you will. We're going to use our  
22 own facilities to provide the service -- some

1 combination of our own facilities and some resold  
2 elements in Illinois.

3                   So I don't know that that makes a huge  
4 difference to you. You raised the issue of the  
5 forbearance.

6       MR. HOAGG: Right.

7                   No, it doesn't. I just brought up the  
8 forbearance to -- I wasn't very clear on that --  
9 just to indicate, you know, no matter what -- now  
10 that you have that forbearance, regardless of the  
11 actual method and deployment, there's nothing to  
12 argue on that issue from, you know -- an issue from  
13 Staff's standpoint. You know, nothing that would be  
14 an impediment to the Commission granting you ETC  
15 status.

16       MR. HOLT: Okay. Thank you.

17       JUDGE RILEY: Then the next order of business  
18 would be finding another date, is that correct?

19       MR. HOAGG: From my perspective, Judge, if you  
20 could bear with us on that, yes. There's one issue,  
21 I think, I need to talk to the Company about  
22 regarding the rate. If can, you know, address that

1 and resolve that, I think it just would be -- it  
2 would probably expedite the entire case. So if you  
3 could bear with us for another week, that would be  
4 great.

5                   If somebody wants to propose a date,  
6 I'll --

7       JUDGE RILEY: Is a week going to be enough?

8       MR. HOAGG: As long as the Company is -- as long  
9 as, you know, E.K. or someone else from the Company  
10 that can address those issues, will be available to  
11 talk about it, a week should be enough, as far as I  
12 can see.

13       MR. HOLT: We're at your disposal. A week is  
14 fine with us. We can meet five times within a week,  
15 if necessary.

16                   The 12th is perfect for us.

17       JUDGE RILEY: You said the 12th is good for you?

18       MR. HOLT: You guys only do it on Tuesdays and  
19 Thursdays, is that correct?

20       JUDGE RILEY: What's that?

21       MR. HOLT: Have these hearings.

22       JUDGE RILEY: Oh, no, we have them all week

1 long, on all open days.

2 MR. HOLT: Tuesday continues to be fine.

3 JUDGE RILEY: Mr. Hoagg, are you available on  
4 Tuesday, the 12th?

5 MR. HOAGG: That might be a problem.  
6 Would the 14th be possible?

7 JUDGE RILEY: I've got matters up at 10:00 and  
8 11:00 a.m.

9 MR. HOAGG: Would it be possible to do it before  
10 your 10:00 o'clock? It might be a fairly short --  
11 is that possible or no?

12 JUDGE RILEY: 9:00 a.m., 9:30 a.m.?

13 MR. HOAGG: That would be fine with me if that's  
14 possible for everyone else.

15 MR. HOLT: That's fine. 9:00 or 9:30?

16 JUDGE RILEY: Is 9:30 okay?

17 MR. HOLT: Yeah, that's fine.

18 MR. HOAGG: That's fine with me, Judge.

19 JUDGE RILEY: I guess my question is, is 9:30 --  
20 I have a matter up at 10:00. Will an half hour be  
21 enough time for us --

22 MR. HOAGG: Unless we run into a problem, Judge,



1 I would think it would be. As you know, I'm not a  
2 lawyer, but I would think a half hour -- unless we  
3 run into a problem, you know, prior to and I suppose  
4 if saw that we were, we could alert you, Judge, that  
5 perhaps we need -- you know, perhaps we need to  
6 reschedule that.

7 JUDGE RILEY: We can meet another date with a  
8 different time, that's exactly right.

9 MR. HOAGG: Yeah. And if we saw that we were  
10 running into a problem or we might need more time,  
11 we would alert you immediately, if that would be all  
12 right.

13 JUDGE RILEY: That's fine.

14 But for now, we can leave it at  
15 October 14th at 9:30 a.m. We'll reconvene at that  
16 time and then see where we are.

17 MR. HOAGG: Thank you, your Honor. That sounds  
18 good from Staff's perspective.

19 JUDGE RILEY: Is there anything else we need to  
20 talk about?

21 MR. HOLT: Jeff, you said you wanted to talk  
22 about rates, is that correct?

1       MR. HOAGG:   Yeah.   I needed to talk to you guys  
2 about one rate issue.   If you're available later  
3 today, we can start that discussion today.

4       MR. HOLT:   That's a deal.

5       MR. HOAGG:   Sounds good.

6       MR. HOLT:   We'll give you a call.

7       JUDGE RILEY:   I'll have a notice of the  
8 October 14th date sent out immediately.   Then it  
9 will be scheduled for 9:30 a.m.

10       MR. HOAGG:   Thanks for bearing with us.

11       JUDGE RILEY:   Not a problem.   Thank you,  
12 Mr. Hoagg.   Take care.

13                   We are continued to October 14th at  
14 9:30 a.m.

15                                   (Whereupon, the above-entitled  
16 matter was continued to  
17 October 14, 2010, 9:30 a.m.)

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